

# United States District Court

NORTHERN DISTRICT OF TEXAS

Dallas Division

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

TONY HERNANDEZ

Case Number: 3:12-CR-392-O (01)

U.S. Marshal's No.: 45315-177

John Kull, Assistant U.S. Attorney

Kenneth Weatherspoon, Attorney for the Defendant

On February 14, 2013, the defendant, TONY HERNANDEZ, entered a plea of guilty to Count One of the Two Count Indictment filed on November 27, 2012. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)	Conspiracy to Possess with the Intent to Distribute Five Hundred Grams or More of Methamphetamine	November 5, 2012	One

The defendant is sentenced as provided in pages two through four of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100 for Count One of the Two Count Indictment filed on November 27, 2012.

Upon Motion of the Government, Count Two is dismissed, as to this defendant only.

The defendant shall notify the United States Attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Sentence imposed August 29, 2013.

  
REED O'CONNOR  
U.S. DISTRICT JUDGE

Signed September 4, 2013.

## IMPRISONMENT

The defendant, TONY HERNANDEZ, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a period of **TWO HUNDRED (200)** months.

The Court recommends that the defendant be housed at the FCI Fort Worth, Texas, if eligible.

The defendant is remanded to the custody of the United States Marshal.

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **FIVE (5)** years.

While on supervised release, in compliance with the standard conditions of supervision adopted by the United States Sentencing Commission, the defendant shall:

- (1) not leave the judicial district without the permission of the Court or probation officer;
- (2) report to the probation officer as directed by the Court or probation officer and submit a truthful and complete written report within the first five (5) days of each month;
- (3) answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (4) support the defendant's dependents and meet other family responsibilities;
- (5) work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) notify the probation officer within seventy-two (72) hours of any change in residence or employment;
- (7) refrain from excessive use of alcohol and not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- (8) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (9) not associate with any persons engaged in criminal activity and not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- (10) permit a probation officer to visit the defendant at any time at home or elsewhere and permit confiscation of any contraband observed in plain view by the probation officer;
- (11) notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- (12) not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- (13) notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement, as directed by the probation officer.

In addition the defendant shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

cooperate in the collection of DNA as directed by the U.S. probation officer;

report in person to the probation office in the district to which the defendant is released within seventy-two (72) hours of release from the custody of the Bureau of Prisons;

refrain from any unlawful use of a controlled substance, submitting to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer;

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participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month; and,

participate in workforce development programs and services involving activities relating to occupational and career development, including but not limited to assessments and testing, educational instruction, training classes, career guidance, counseling, case management, and job search and retention services, as directed by the probation officer until successfully discharged from the program.

### **FINE/RESTITUTION**

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

### **FORFEITED PROPERTY**

As the result of his guilty plea on Count One of the Two-Count Indictment, the defendant shall forfeit the following to the Government pursuant to 18 U.S.C. § 2253(a) and Fed. R. Crim. P.32.2(b):

2005 Bentley Continental, VIN SCBCR63WX5C024336.

2008 Cadillac Escalade, VIN 1GYFK63838R231775.

\$12,222.97 in U.S. currency seized on November 5, 2012, from the residence at 2737 Seevers, Dallas, Texas.

Assorted electronic equipment, including a 46" Samsung television, model PN51E550D1FXZA, Serial No. Z4533CQC510881K; a 55" Samsung television, Model UN55B80005F, Serial No. AZ4L3C58209944D; and a 65" Samsung television, Model UN60E57100F, Serial No. 25PV3CDC700731V.

Assorted automobile parts, including four Firelli Scorpion Zero tires, P315/30R30; four Venezia tires, P305/35R24; and four Joe Martin, style 939, 24 x 9.5 wheels.

#### Miscellaneous weapons seized from 2737 Seevers Avenue, Dallas, Texas:

Assorted "knuckles," knives, and accessories.

Mossberg shotgun, Model 600AT, 12-gauge, Serial No. G887895.

North American Arms revolver, .22-caliber, Serial No. V78193.

Bushmaster rifle, 5.56-caliber, Serial No. CRB017817.

Smith & Wesson Pistol .40-caliber, Model SW40DE, Serial No. DSM0358 with ammunition.

#### Miscellaneous weapons seized from 2500 Houston, Unit No. 811, Dallas, Texas:

Glock, Model 17C, 9-millimeter handgun, Serial No. EYA482US with ammunition.

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Miscellaneous weapons seized from 2733 Seevers Avenue, Dallas, Texas:

28.M7 OAB2 7.62 X 39-caliber rifle, Serial No. 583522.

Norinco Poly USA 7.62 x 39-caliber rifle, Serial No. F121531714 with ammunition.

Russian/American Saiga 7.62 x 39-caliber rifle, Serial No. H061073345N with ammunition.

Chrome Derringer.32-caliber handgun, Model D-32, Serial No. 287698 with ammunition.

SKS 7.62 x 39-caliber rifle, Serial No. I4741032500 with ammunition.

### RETURN

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

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United States Marshal

BY \_\_\_\_\_

Deputy Marshal